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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

BARBARA DARWISH et al.,

Plaintiffs and Respondents,

v.

JACK VAUGHN et al.,

Defendants and Appellants.

B289339

(Los Angeles County
Super. Ct. No. LC106660)

APPEAL from a judgment of the Superior Court of
Los Angeles County, John J. Kralik, Judge. Appeal
dismissed.

Mesisca, Riley & Kreitenberg, Dennis P. Riley, Rena E.
Kreitenberg; Law Offices of Mike N. Vo and Mike N. Vo, for
Defendants and Appellants.

Stillman & Associates and Philip H. Stillman; Machat &
Associates and Michael Machat, for Plaintiffs and Respondents.

* * * * *

The trial court's interlocutory order is not a proper basis for an appeal. The appeal is dismissed.

I

These parties have a history of suing each other. (E.g., *Hart v. Darwish* (2017) 12 Cal.App.5th 218.) Barbara Darwish and others sued attorney Dennis P. Riley and others on December 28, 2017. This case was assigned to a Superior Court judge new to the parties and their earlier suits.

On February 13, 2018, the trial court heard defendant Riley's ex parte application. The plaintiffs represented themselves. Barbara Darwish said her lawyer had "died unexpectedly" and "it's very upsetting for everybody concerned." The court told moving party Riley "I'm not seeing irreparable harm here" and that it could hear the matter on ordinary notice the following month. Riley said he understood and was "fine with the date the court has set"

The parties reconvened on March 14, 2018. The court gave the parties a tentative ruling that observed Riley had moved to strike the complaint of December 28, 2017 or to quash service of process. The tentative ruling also noted that in the meantime Darwish had filed a first amended complaint. The tentative ruling permitted Darwish's new filing and held that the newly amended complaint had become the operative pleading, thus mooting Riley's motion to strike Darwish's original complaint. The tentative ruling set forth an alternative ground as well, which was that the defense motion to strike lacked a mandatory declaration about the efforts of the parties to meet and to confer about the motion to strike. The tentative ruling concluded that, because of this alternative ground, the defense motions "would have been taken off-calendar regardless of the filing of the [first

amended complaint].”

The court and the parties discussed the tentative ruling. The court stated its tentative ruling was “without prejudice to any of those issues being raised in response to the first amended complaint.”

After argument, the court adopted the tentative ruling as its final order.

II

Nothing substantive has happened in this case yet. We cannot consider an appeal from the trial court’s interlocutory procedural ruling.

The right to appeal in California is generally confined to appeals from a final judgment. This means interlocutory orders are generally not appealable. In the main, trial courts must be permitted to get a case to judgment before action can shift to the appellate level. (Code Civ. Proc., § 904.1, subd. (a); *Griset v. Fair Political Practices Com.* (2001) 25 Cal.4th 688, 696-697.)

Exceptions to this final judgment rule do exist. Code of Civil Procedure section 904.1 codifies the common law final judgment rule and lists many kinds of orders that are exceptions to it. (*Ryan v. Rosenfeld* (2017) 3 Cal.5th 124, 134.)

Darwish rightly challenges Riley’s appeal as defective because Riley seeks to appeal a nonappealable interlocutory order. Darwish notes there is no exception within Code of Civil Procedure section 904.1 permitting this appeal. Riley does not identify a provision within this section that would support his appeal.

Whether the court’s interlocutory order was correct is not before this court, for that order cannot be appealed.

DISPOSITION

The appeal is dismissed. The respondents shall recover their costs on appeal.

WILEY, J.

WE CONCUR:

BIGELOW, P. J.

GRIMES, J.